UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In re:	)	
	)	
RODNEY TRIPP,	)	**Case No. 16-13966-BFK**
	)	**(Chapter 7)**
Debtor.	)	
	)	

OBJECTION TO MOTION TO RECONSIDER OF VALOIT, LLC

COMES NOW Rodney Tripp, by Counsel, hereby objects to Valoit, LLC's Motion to Reconsider and in support thereof, states as follows:

1. Valoit argues "... in the matter of *In Re Victor Jones*, 15-10408-BFK, Mr. Varshney was never advised in a hearing not to file further pleadings without counsel." Pankaj Varshney ("Varshney") concedes that he received a copy of the order in the Victor Jones case which informed him that "business entities such as Valoit may not appear before this Court without counsel admitted to the Bar of this Court." Varshney further admits that he was admonished in this case that he could not represent the interests of Valoit, but further argues that the order entered on February 27, 2017 in this case "did not include a reference to that admonition nor did it direct Mr. Varshney that he must file such objection by counsel." Despite Valoit's argument, Varshney clearly new he could not represent the interests of Valoit but instead chose to ignore the Court repeated admonitions. Such behavior should not be rewarded by granting Valoit's Motion to Reconsider.

2. "Fourth Circuit Court of Appeals ... recognizes three grounds for reconsideration under Fed. R. Civ. P. 59: '(1) to accommodate an intervening change in controlling law; (2) to

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account for new evidence not available at trial; or (3) to correct a clear error of law or prevent manifest injustice.'" *In re Circuit City Stores, Inc.*, Case No. 08-35653 Jointly Administered (Bankr. E.D.Va. 692010) (Bankr. E.D.Va., 2010) citing *Hutchinson v. Staton,* 994 F.2d 1076, 1081 (4th Cir. 1993).

3. With regard to the first prong of the standard set out in Hutchinson, there clearly has been no change in controlling law to support reconsideration. Further, Valoit asserts no changes to controlling law.

4. With regard to the second prong of the standard set out in Hutchinson, there clearly is no new evidence that was not available at trial. This Court permitted Varshney to present argument at the hearing on February 14, 2017, despite the fact that Varshney was not admitted to the Bar of this Court. In open court at that same hearing, Varshney was admonished that if he wished to respond to Debtor's application for legal fees it would need to be done by an attorney admitted to the Bar of this Court. Varshney chose to ignore that admonition. There is no new evidence that was not available for the Court to consider. Rather, Varshney chose to try and present argument and/or evidence himself, without counsel. Appropriately, this Court decided to strike the responses.

5. With regard to the third prong of the standard set out in Hutchinson, there clearly has been no clear error of law or manifest injustice. Valoit raises no clear error of law in its motion. Valoit argues in the "service of the interests of justice", that the Court's ruling should be set aside so that it can have a second opportunity to present argument and/or evidence to the Court. That does not fall within the definition of manifest injustice. Valoit had its opportunity to heard on this matter. The Court's ruling awarding legal fees is not manifest injustice, but is warranted under 11 USC 362(k) given the egregiousness of Valoit's violation of the automatic stay.

WHEREFORE, Debtor respectfully requests that the Court deny Valoit's Motion to Reconsider.

Respectfully submitted,
RODNEY TRIPP
By Counsel

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing was mailed first-class, postage prepaid, on this 7th day of April, 2017, to the following:

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